HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 16074 of 2007

Between:

Shaik Galib Saheed & another

… Petitioners

And

Vijayawada Municipal Corporation,
Rep. By its Commissioner.

… Respondent

:: O R D E R ::

Counsel for the petitioners : Shri A. Satyanarayana

Counsel for the respondent : Smt. G. Jhansi

July 27, 2007

Per G.S. Singhvi, CJ

In this petition, the petitioners have prayed for issue of a writ of prohibition against the functionaries of Vijayawada Municipal Corporation (for short, 'the Corporation') from demolishing their houses bearing Nos.76-14-139 and 139/1 situated in R.S.No.38/1, Bhavanipuram, Vijayawada.

In the affidavit filed by petitioner No.1 – Shaik Galib Saheed, it has been averred that the authorities of the Corporation are seeking to forcibly demolish their houses in furtherance of road widening programme.

Smt. G. Jhansi, learned counsel for the Corporation, on instructions, made a statement that the petitioners had agreed to give their land for road widening programme and alternative houses were allotted to them in Jawaharlal Nehru Urban Renewal Mission, but, later on, they appear to have entered into an agreement of sale with the third party. According to her, the land/property of the petitioners will be utilized for the purpose of road widening only if they agree to do so, else proceedings under the Land Acquisition Act, 1894 (for short, 'the Act') will be initiated for acquiring the land.

In view of the statement made by the learned counsel for the respondent, the writ petition is disposed of as infructuous with the observation that if the petitioners do not agree to give their land for road widening purposes, then the respondent shall be free to initiate proceedings under the Act.

As a sequel to disposal of the writ petition as infructuous, W.P.M.P.No.20421 of 2007 filed by the petitioners for interim relief is also disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 27, 2007
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